

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 4384 OF 2006
APPEAL NO. 684 OF 2006

in

SUMMONS FOR JUDGMENT NO. 634 OF 2004

IN

SUMMARY SUIT NO. 979 OF 2003

Videocon International Ltd. ... Appellant
(Org. Defendant)

Versus

M/s. TLG India Pvt.Ltd. ... Respondent
(Org. Plaintiff)

Mr. D.F.Sharma with Vipin R. Kasle i/b. Ram & Company
for the appellant in support of N/M.

Ms. Akhila Kaushik for Respondent to show cause.

CORAM: D.K.DESHMUKH &

J. H. BHATIA, JJ.

DATE: 30th October, 2007.

P.C.

1. The Appeal is not on board for final hearing.

By consent of parties, the Appeal is taken up for final hearing. Heard learned Counsel on both the sides.

2. By consent, the Appeal is disposed of in the following terms :-

(i) On the defendant depositing in this Court with due intimation to the plaintiff an amount of Rs.80,000/- within four weeks from today, the order impugned in the Appeal shall stand set aside. The Summons for Judgment taken out by the plaintiff shall stand disposed of.

(ii) Leave to defend shall stand granted to the defendant. In that event, the defendant shall file written statement within a period of six weeks from the date of deposit.

(iii) If the amount is not deposited as directed above, the Office shall treat the Appeal as dismissed.

(iv) On the amount being deposited by the defendant, the Prothonotary & Senior Master shall permit the plaintiff to withdraw the amount within six weeks from the date of deposit on furnishing a bank guarantee of a Nationalised

Bank to the satisfaction of the Prothonotary & Senior Master and furnishing an undertaking, undertaking to this Court to bring back the amount if so directed by this Court and on such terms and conditions as may be directed by this Court, further undertaking that in that event the rate of interest shall not be less than 18% per annum. If the amount is not withdrawn by the plaintiff within six weeks, it shall be invested in a fixed deposit with a Nationalised Bank.

3. Notice of Motion No. 4384 of 2006 is disposed of in view of the order passed in the Appeal.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)